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SIPDIS

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SUBJECT: U/S BOLTON AND SPANISH FM PALACIO DISCUSS ARTICLE 98, IAEA/IRAN AND EU LEADERSHIP

CLASSIFIED BY: POLITICAL MINISTER COUNSELOR THOMAS COUNTRYMAN FOR REASON 1.5(B)(D)

1. (C) SUMMARY. U/S BOLTON MET SPANISH FOREIGN MINISTER ANA PALACIO IN ROME ON OCTOBER 3 TO DISCUSS PROGRESS ON SIGNING ARTICLE 98 AGREEMENTS AND SPAIN'S CHAIRMANSHIP OF THE IAEA BOARD OF GOVERNORS. FM PALACIO AGREED TO REVIEW NEW ARTICLE 98 LANGUAGE THAT MAY SATISFY EU CONCERNS ABOUT SCOPE OF COVERAGE. SHE ENCOURAGED U/S BOLTON TO BRIEF OFFICIALS IN MADRID ON EFFORTS TO HALT IRAN'S ILLEGAL NUCLEAR WEAPONS PROGRAM WELL BEFORE THE NOVEMBER 20 IAEA BOARD OF GOVERNORS MEETING, WHICH SPAIN WILL CHAIR. FM PALACIO WAS DEEPLY CONCERNED ABOUT THE "EU3" INITIATIVE TAKEN BY FRANCE, UK AND GERMANY TO SEND ANOTHER LETTER TO PRESIDENT KHATAMI, NOT ONLY BECAUSE IT SEEMED A FUTILE EFFORT BUT ALSO BECAUSE OF THE IMPLICATIONS OF THREE EU MEMBERS PURPORTING TO ACT ON BEHALF OF THE EU AS A WHOLE. END SUMMARY.

ARTICLE 98

2. (C) U/S BOLTON EXPLAINED THAT 67 COUNTRIES HAVE NOW SIGNED ARTICLE 98 AGREEMENTS WITH THE USG, INCLUDING 30 SIGNATORIES TO THE ROME TREATY THAT ESTABLISHED THE INTERNATIONAL CRIMINAL COURT (ICC). COLOMBIA RECENTLY JOINED THE LIST AFTER REACHING AGREEMENT WITH THE US ON LANGUAGE THAT SATISFACTORILY ADDRESSED COLOMBIA'S CONCERNS ABOUT THE SCOPE OF COVERAGE ISSUE, U/S BOLTON SAID. COLOMBIA'S CONCERNS WERE SIMILAR TO THOSE OF THE EU MEMBERS, U/S BOLTON SAID, SUGGESTING THAT THE LANGUAGE ADOPTED IN THE AGREEMENT WITH COLOMBIA MAY OFFER A WAY OUT OF THE IMPASSE BETWEEN THE US AND THE EU. FM PALACIO NOTED THAT, AS A LAWYER, SHE HAS BEEN HEAVILY INVOLVED IN THE ISSUES SURROUNDING THE ICC AND ARTICLE 98 AGREEMENTS. SHE NEGOTIATED HARD WITHIN THE EU LAST YEAR TO REACH THE CURRENT EU POSITION WHICH, WHILE NOT FULLY WHAT THE USG WANTED, REPRESENTS A STEP FORWARD, SHE SAID. IT IS UNLIKELY THE EU MEMBERS WILL ACCEPT BROAD LANGUAGE THAT EXEMPTS US CITIZENS UNDER CONTRACT OR CITIZENS AT LARGE, BUT SHE AGREED TO STUDY THE COLOMBIAN LANGUAGE AND DO WHAT SHE CAN WITHIN THE EU.

IAEA BOG, IRAN AND THE EU

3. (C) NOTING THAT SPAIN NOW SERVES AS CHAIR OF THE IAEA BOARD OF GOVERNORS (BOG), U/S BOLTON OFFERED TO BRIEF THE FOREIGN MINISTER AND OTHER APPROPRIATE OFFICIALS IN MADRID ON EFFORTS TO HALT IRAN'S ILLEGAL NUCLEAR WEAPONS PROGRAM. FM PALACIO AGREED A BRIEFING WOULD BE USEFUL AND STRESSED THAT IT WOULD BE IMPORTANT FOR SPAIN TO KNOW IN ADVANCE THE CONTENT OF ANY DRAFT RESOLUTION THAT MIGHT BE PROPOSED, IN THE EVENT THE IAEA BOG REFERS IRAN'S NONCOMPLIANCE TO THE UNSC. INFORMATION SHARING WOULD BE CRUCIAL TO LAYING THE GROUNDWORK, SHE SAID.

4. (C) PALACIO WAS CONCERNED ABOUT THE "EU3" INITIATIVE BY FRANCE, UK AND GERMANY TO SEND PRESIDENT KHATAMI ANOTHER LETTER URGING FULL COOPERATION WITH THE IAEA. THE "EU3" DOESN'T EXIST, SHE SAID, SO WHO ARE THEY REPRESENTING WHEN THEY SIGN THE LETTER? STRAW, DE VILLEPIN AND FISCHER WILL HAVE TO DISCUSS THE LETTER WITH ALL EU MEMBERS BEFORE IT CAN BE SENT AS AN EU INITIATIVE, AND NO ONE HAS DISCUSSED IT WITH HER YET, SHE SAID. THE CAPACITY IN WHICH THEY ARE SENDING THE LETTER NEEDS TO BE CLARIFIED OR THERE WILL BE MORE SUCH INITIATIVES LAUNCHED BY A FEW EU COUNTRIES UNDER THE EU LABEL WITHOUT THE FULL INVOLVEMENT OF ALL EU MEMBERS. THESE "SKIRMISHES" WILL DEFINE WHAT CAN BE STAMPED WITH THE "EU" LABEL, SHE SAID. THE NEXT THREE MONTHS ARE "CRUCIAL" FOR WHAT EUROPE AND EU FOREIGN POLICY WILL LOOK LIKE, SHE ADDED. SPAIN AND POLAND HAVE A STRATEGIC ALLIANCE ON MANY ISSUES, SHE NOTED, AND WILL "STAND FIRM" AGAINST THE FORMATION OF A "DIRECTOIRE OF THREE" THAT PROPOSES TO ACT ON BEHALF OF THE EU WITHOUT THE CONSENT OF ALL EU MEMBERS.

5. (C) PALACIO ASKED THE USG'S POSITION ON SENDING A SECOND LETTER TO IRAN. U/S BOLTON SAID HE HAD URGED THE POLITICAL DIRECTORS OF BRITAIN AND FRANCE NOT TO SEND ANOTHER LETTER BECAUSE IT GIVES THE IMPRESSION THE US AND EU ARE SPLIT ON THE ISSUE OF IRAN'S NONCOMPLIANCE AND WILL BE USED BY IRAN TO OBFUSCATE FURTHER ITS INTENTIONS. PALACIO AGREED AND NOTED THAT IRAN IS PLAYING WITH TIME IN ORDER TO SEE HOW THE SITUATION IN IRAQ PROGRESSES. SHE SAID SHE WOULD TRY TO DISCUSS THE ISSUE INFORMALLY WITH HER COLLEAGUES AT THE EU INTERGOVERNMENTAL CONFERENCE ON OCT. 4.

16. (U) U/S BOLTON HAS CLEARED THIS MESSAGE.  
SEMBLER

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